

REMARKS

By this Amendment, claim 1 has been amended, claims 16 and 26-39 have been cancelled, and new claims 40-53 have been added. Accordingly, claims 1-15, 17-25 and 40-53 are pending in the present application.

Due to the amendments to the claims, Applicants respectfully submit that independent claim 1 is generic to all embodiments, and that the claims should be classified in the following Species:

Species A: Claims 1, 2, 40 and 41;

Species B: Claims 1, 3-9, 15, 17-21, and 42-48; and

Species C: Claims 1, 10-14, 22-25, and 49-53.

With respect to Species B, Applicants respectfully submit that the following are appropriate Sub-species i-vi:

Subspecies i: Claims 3, 4, 15, 42 and 43;

Subspecies ii: Claims 3, 5, 17 and 44;

Subspecies iii: Claims 3, 6, 18 and 45;

Subspecies iv: Claims 3, 7, 19 and 46;

Subspecies v: Claims 3, 8, 20 and 47; and

Subspecies vi: Claims 3, 9, 21 and 48.

With respect to Species C, Applicants respectfully submit that the following are appropriate Sub-species aa-dd:

Subspecies aa: Claims 10, 11, 22, 49 and 50;

Subspecies bb: Claims 10, 12, 23 and 51;

Subspecies cc: Claims 10, 13, 24 and 52; and

Subspecies dd: Claims 10, 14, 25 and 53.

Applicants hereby provisionally elect Species B, claims 1, 3-9, 15, 17-21, and 42-48, sub-species vi, claims 1, 3, 9, 21 and 48, with traverse.

Applicants would like to respectfully point out that the procedures (based on the criteria for the second comparison operation) as claimed in Claims 2-14 are steps for assessing a level of accuracy of the selected known protein that is judged as being a single candidate of identification for the target protein to be analyzed in step (4) of Claim 1. Thus, the judgment result in step (4) of Claim 1 is not affected by the assessment of the level of accuracy of the selected known protein.

In fact, steps (1)-(4) of Claim 1 for selecting a single candidate of identification for the target protein to be analyzed do not require any use of the procedures (second comparison operation) of Claims 2-14. As for the selection of a single candidate of identification for the target protein to be analyzed, any one of Claims 2-14 will provide substantially the same result as the result obtained by the first comparison operation procedure as claimed in Claim 1. Accordingly, Claims 2-14 as well as Claim 1 have a single general inventive concept under PCT Rule 13.1.

Further, in a case where no known protein is judged as being a single candidate of identification for the target protein to be analyzed in step (4) of Claim 1, the procedures (second comparison operation) as claimed in Claims 2-14 may not be applicable. In other words, any one of the procedures (second comparison operation) of Claims 2-14 are not necessarily used to select another known protein in place of the selected known protein that of step (4) of Claim 1.

Claims 2-14 employ a procedure that is based on different criteria for the second comparison operation from each other in the step for assessing the level of accuracy of the selected known protein that is judged in step (4) of Claim 1. How to select a single candidate of identification for the target protein to be analyzed is an important technical feature of the method as claimed in Claim 1 and its dependent Claims 2-14. However, the difference in the criteria for the second comparison operation that is used for assessing the level of accuracy of the selected known protein has no substantial influence on the technical feature of the method as claimed in Claim 1 and its dependent Claims 2-14.

Accordingly, Applicants respectfully submit that the species and subspecies election requirements set forth in the Office Action are not reasonable, and request that all pending claims 1-15, 17-25 and 40-53 be examined together.

In view of the foregoing, favorable consideration of the amendments to claim 1, favorable consideration of new claims 40-53, and allowance of the present application with claims 1-15, 17-25 and 40-53 is respectfully and earnestly solicited.

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Respectfully submitted,

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